



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,415	08/03/2001	Hiroataka Inagaki	401181	7811

23548 7590 10/06/2003
LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER

COBURN, CORBETT B

ART UNIT PAPER NUMBER

3714

DATE MAILED: 10/06/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,415

Applicant(s)

INAGAKI ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15 and 17-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15 and 17-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 May 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant submitted a substitute specification on 16 May 2003. This substitute specification contains material of a sexual and provocative nature that is not necessary for the understanding of the invention. It must be amended to address this matter.

Drawings

2. On 16 May 2003, Applicant submitted proposed drawing changes. These did not address the issues raised in the previous office action. Therefore the objections are maintained.

Claim Objections

3. Claims 1-3, 5-15, and 17-39 are objected to because of the following informalities: They appear to be a more or less direct translation from a foreign language. While Examiner believes that he has managed to decipher them, he is by no means certain. Therefore, the claims are examined as best understood. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by Ugawa (US Patent Number 5,836,819).

Claim 31: Ugawa teaches a game machine with means (6) for displaying designs related to a game. There is a means (150) for controlling a display on the means for displaying;

and a game program performing pseudo-operations (a program?) of a pachinko game on the means for displaying, wherein the means for controlling produces a production display of a process from beginning to end of a scenario (it displays the game), and controls the means for displaying to display an indication, with a specific arrangement of the end of the scenario, that the game will move on to a special game state at the end of the scenario – i.e., the reels (38a-c) indicate the movement into a special state.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-11, 18-20, 23, 25-30 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodachi et al. (US Patent Number 6,142,874).

Claims 1, 3, 10, 11: Kodachi teaches a pachinko game machine (Fig 1) with means (2) for displaying a special symbol (k) indicating a shift to a special game state if a varying display (2L, 2C & 2R) stops at a specific arrangement and for displaying a game-related production display (Fig 2). There is a start win sensor (6a, 6b) for detecting a game ball entering a start win hole and outputting a detection signal to the means for controlling (50A) a display. The detection signal triggers display of a production -- i.e., the reels spin when the ball goes in the hole. There is a means (50A) for determining results of stopping of the varying display and controlling the means for displaying according to the results, the means for determining controlling the means for displaying to produce a

production display of a scenario of a game-related production display from beginning to end of the scenario (Fig 5) during a period from a start to an end of the varying display, wherein said game-related production display includes a design of at least two different characters (Fig 31 shows two characters) and a word (or attachment) design (Fig 32) shown simultaneously with the stopping of the varying display that indicates at least one of a special game state probability and probability of a reach (Fig 35), the reach indicating a shift to the special game state if the varying display stops an additional special symbol at a specific stop arrangement. Kodachi fails to teach word or attachment designs for each of the two different characters. Having word (attachment) designs to explain the two different characters would provide information to the player to make the meaning of the characters clear. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided word (attachment) designs for each of the two different characters in order to provide information to the player to make the meaning of the characters clear.

Computer programs are obviously embodied in a game machine-readable medium – the program described in Kodachi could not work unless the machine could read it.

Claims 2, 27: The end of the scenario indicates whether to shift to the special game state. (Figs 5-7)

Claim 5: The means for determining changes the production display to show an evolution of the scenario when a state of the game becomes the reach. (Fig 5, ST4)

Claim 6: Figs 29 and 30 show wherein the evolution of the scenario is indicated by changes in a background of the production display. In Fig 29, there is a dragonfly

Art Unit: 3714

background. In Fig 30, there is a “fighting” background – the character appears to be outlined.

Claims 7, 28: Fig 31 shows that the progress of the scenario shown with the production display changes with the two different characters. In certain circumstances, the bear character appears. (Fig 35)

Claim 8: The production display indicates moving on to the special game state with the two different characters – the appearance of the bear character indicates moving to a “Big Hit + All Rotation Reach”. (Fig 35)

Claims 9, 30: Fig 2 clearly shows that the means for displaying includes a display zone for the production display larger than a display zone for the varying display of the special symbol. The reels take up the lower third of the display. The upper two-thirds of the display is reserved for the production display.

Claims 18, 24: Kodachi teaches a production pattern determination table. (Fig 35) The particular arrangement of the table used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific arrangement of the table claimed versus the arrangement of the table taught by the prior art.

Claims 19, 25: Kodachi teaches two characters but does not disclose the sex of the characters. The particular sex of the characters used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific sex of the characters claimed versus the sex of the characters taught by the prior art.

Claims 20, 26: As a computer, Kodachi obviously has a memory for storing a production pattern determination table (Fig 35) including production patterns for the

Art Unit: 3714

game-related production display, and a random number generator (53) for generating a random number for production pattern determination, wherein the random number is used to determine a production pattern to be displayed. (Fig 5)

Claims 23 & 32: Claims 23 & 32 are a rehash of claims 1 and 11 respectively (which see) with the addition of a “true intention design”. Kodachi fails to teach “true intention designs”. As described in Applicants specification, these “true intention designs” are merely additional indicators on the basic character symbols. In effect, the basic character symbol with the word character symbol, and the “true intention symbol” combine to form one symbol. The appearance of that symbol is an aesthetic design choice.

Claim 29: Kodachi teaches a production display that uses symbols to indicate moving on to the special game state. The appearance of the symbols is a matter of aesthetic design choice.

8. Claims 12-15, 17, 21, 22 & 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodachi in view of Fuchs (US Patent Number 5,630,753).

Claims 12, 17, 33, 39: Kodachi teaches a game machine with means (2) for displaying game-related designs including a special symbol (k) indicating a shift to a special game state if a varying display stops at a specific arrangement. There is a production design indicating a probability of shifting to the special game state (Fig 3). There is a means (50A) for controlling a display on the means for displaying. Kodachi does not explicitly teach that the means for controlling controls the means for displaying to produce a suggestion display of a relationship between the production design and the probability of shifting to the special game state -- i.e., a help-table explaining odds of winning. Yet

Kodachi teaches that for full enjoyment of the game, it is necessary for the player to have “extensive knowledge of the predictive characteristics of the predictive display mode”. (Col 2, 46-49) Fuchs teaches displaying such a table (7). The suggestion display is produced when the game is not being played or when the game is being played and the varying display of the special symbol is not shown on the means for displaying, and the suggestion display implicitly notifies a player of the game of the relationship – the help table appears on the screen even when the reels are not spinning. This provides the player with information needed to understand the game, thus making it more enjoyable for the player to play. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kodachi to include a suggestion display as suggested by Fuchs in order to provide the player with information needed to understand the game, thus making it more enjoyable for the player to play.

Computer programs are obviously embodied in a game machine-readable medium – the program described in Kodachi could not work unless the machine could read it.

Claims 13, 36: Fuchs teaches showing which combination of symbols (corresponding to the production design) has a high probability of winning (i.e., shifting to a special game state). Clearly to be of any use whatsoever in teaching the player to interpret the meaning of the production design, the suggestion display must indicate which production designs indicate a high probability of shifting to the special game state.

Claims 14, 37: Fuchs teaches the suggestion display shows a design related to the production design – both the production design (the cards (3)) and the suggestion display (7) depict cards with diamonds. Clearly to be of any use whatsoever in teaching the

player to interpret the meaning of the production design, the suggestion display must show a design identical to the production design or related to the production design.

Claims 15, 38: Kodachi teaches animated images. The movement of the images indicates different things. Thus a left leg lifting prognostic (Fig 33) means something different from the small degree leg lifting depicted in Fig 34. In order to effectively teach the meaning of the production designs, it would be necessary to show the player what these production designs do. This means that it would be necessary to show the animation. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used animated images in the suggestion display in order to teach the player the meaning of the production designs.

Claims 21, 34: Kodachi teaches a production design that includes a design of at least two different characters (Fig 31 shows two characters) and a word (or attachment) design (Fig 32) shown simultaneously with the stopping of the varying display that indicates at least one of a special game state probability and probability of a reach (Fig 35), the reach indicating a shift to the special game state if the varying display stops an additional special symbol at a specific stop arrangement. Kodachi fails to teach word or attachment designs for each of the two different characters. Having word (attachment) designs to explain the two different characters would provide information to the player to make the meaning of the characters clear. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided word (attachment) designs for each of the two different characters in order to provide information to the player to make the meaning of the characters clear.

Art Unit: 3714

Claims 22, 35: Kodachi teaches the invention substantially as claimed. Kodachi fails to teach “true intention designs”. As described in Applicants specification, these “true intention designs” are merely additional indicators on the basic character symbols. In effect, the basic character symbol with the word character symbol, and the “true intention symbol” combine to form one symbol. The appearance of that symbol is an aesthetic design choice.

Response to Arguments

9. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

10. It appears that an administrative error occurred that resulted in Applicant being mailed an incomplete office action. Therefore, Examiner will enter the amendments submitted on 16 May 2003 and make this action non-final.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimizu et al. (US Patent Number 6,398, 217) and Takahashi et al. (US Patent Number 6,162,120) teach demonstration modes designed to teach the player about the game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

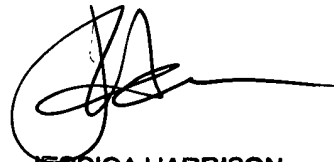
Application/Control Number: 09/830,415
Art Unit: 3714

Page 10

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc



JESSICA HARRISON
PRIMARY EXAMINER